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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,018	04/23/2001	Ranjit Sahota	007412.01059	5829

71867 7590 11/09/2010  
BANNER & WITCOFF, LTD  
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EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2421

MAIL DATE	DELIVERY MODE
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11/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**DETAILED ACTION**

1. This office action is in response to the communication filed on 09/08/2010.
2. Claims 1-25, and 29-31 are pending.

***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, drawn to facilitating voting, classified in class 705, subclass 12.
  - II. Claims 10-17, drawn to providing a rollout menu that includes hyperlinks to allow a user to select and access information, classified in class 725, subclass 51.
  - III. Claims 18-25, drawn to a first interactive channel bug associated with a first content provider is replaced by the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider, classified in class 715, subclass 764.
  - IV. Claims 29-31, drawn to an interactive bug which is configured to provide information related to available messages, classified in class 725, subclass 40.

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4. A telephone call was made to Surendra Ravula on 11/5/10 to request an oral election to the above restriction requirement, but did not result in an election being made.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

In the instant case, subcombination I has separate utility such as facilitating voting, which is not required for providing a rollout menu that includes hyperlinks to allow a user to select and access information of invention II, replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider of invention III, and replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider of invention IV.

In the instant case, subcombination II has separate utility such as providing a rollout menu that includes hyperlinks to allow a user to select and access information, which is not required for facilitating voting, of invention I, replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content

provider of invention III, and replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider of invention IV.

In the instant case, subcombination III has separate utility such as replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider, which is not required for facilitating voting, of invention I, providing a rollout menu that includes hyperlinks to allow a user to select and access information of invention II, and replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider of invention IV.

In the instant case, subcombination IV has separate utility such as providing information related to available messages, which is not required for facilitating voting, of invention I, providing a rollout menu that includes hyperlinks to allow a user to select and access information of invention II, and replacing the second interactive channel bug associated with a second content provider during a change of displaying content from the first content provider to content from the second content provider of invention III.

See MPEP § 806.05(d).

6. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR

1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

7. **Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

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over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumaiya A Chowdhury/

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Examiner, Art Unit 2421

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2421